

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC 20591

In the matter of the petition of

**AVIATION FABRICATORS, INC.**

for an exemption from § 23.815  
of Title 14, Code of  
Federal Regulations

**Regulatory Docket No. FAA-2008-0433**

**DENIAL OF EXEMPTION**

By letter dated April 4, 2008, Mr. Todd Pogue, Design/Drafting, Aviation Fabricator, Inc. AVFAB, 805 North Fourth Street, Clinton, MO 64735 petitioned the Federal Aviation Administration (FAA) on behalf of AVFAB for an exemption from § 23.815 of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would permit Aviation Fabricators to install Beechcraft Aft Jump Seat Kits in Beechcraft model B300 aircraft with a wide back executive seat configuration. The revised configuration would increase seating in the aircraft to 10 or 11 passengers, without replacing the existing cabin seats with a narrower seat which would have width of aisle less than required by § 23.815.

**The petitioner [requires/requests] relief from the following regulation[s]:**

Section 23.815, Amendment 23-34, prescribes, in pertinent part, that for commuter category airplanes, the width of the main passenger aisle at any point between seats must equal or exceed the values in the following table:

	<i>Minimum main passenger --aisle width</i>	
Number of Passenger Seats	Less than 25 inches from floor	25 inches and more from floor
10 through 19	9 inches	15 inches

**The petitioner supports its request with the following information:**

The petitioner seeks relief from the requirements of 14 CFR Part 23, § 23.815, Amendment 23-34, when the passenger seating is increased to ten (10) or eleven (11) seats, beginning with eight (8) or nine (9) "wide back" Executive Seats and adding one (1) or two (2) jump seats

when installed per STC SA00635WI. The equivalent safety claim is based on emergency evacuation testing in compliance with § 23.803.

Meeting this rule would impose an economic burden upon the operators of these aircraft in two ways. First the existing "wide back" executive seats must be removed and new narrower seats must be purchased and installed prior to installing the jump seats of STC SA00635WI. This burden would cost between \$90,000 and \$100,000. Second they cannot receive the economic benefit of increasing the seats by adding the jump seats in the aircraft, without incurring the first expense.

The public would benefit from this exemption, in that more passengers could be transported each flight reducing the cost to each passenger. The cost of operating the modified Hawker Beechcraft 300B aircraft, s/n's 0001 through 0155, would not significantly increase as the existing interior furnishings would be retained for use and that savings can be passed on to the passengers. There is a smaller secondary benefit, in that the larger, more comfortable, cabin seats would be retained in the existing seat locations.

**Comments on published petition summary:**

A summary of the petition was published in the Federal Register on November 8, 2010 (75 FR 68667). The comment period closed on November 29, 2010. No comments were received.

**The FAA's analysis is as follows:**

The FAA finds that the Final Rule, Docket Number 23516, stated: "The compartment interior requirements are equivalent to those set forth in Part 25 at the time Notice Number 83-17 was issued, irrespective of the maximum weight of the commuter category airplanes." So, the intent of the rule is to apply an equivalent standard for width of aisle to Part 25, not less, and the specified aisle widths are minimums. There are 120 N-registered B300 airplanes and these planes are certified for up to 19 passengers. Thus, there are approved means that do not require an exemption to update the passenger count while complying with 14 CFR, § 23.815, Amendment 23-34. The applicant proposed an evacuation test per 14 CFR, § 23.803, as an equivalent level of safety. FAA believes the minimum width of aisle required by 14 CFR, § 23.815, is needed in

1. an emergency landing to account for both the number of passengers and the injuries to some passengers in an actual emergency landing;
2. taxi, takeoff and landing; and
3. all other phases of flight so crew can reach all parts of the cabin and passengers can return to their seats in turbulence.

Therefore, granting this exemption would have an adverse effect on safety.

The aisle width limits are minimums for which the Small Aircraft Directorate has never granted an exemption.

Although a grant of exemption clearly benefits the petitioner as a private entity, the FAA considers meeting the aisle requirements of § 23.815 to be in the traveling public's interest. Thus, the petition is not in the public interest.

**The FAA's Decision:**

In consideration of the foregoing, I find that a grant of exemption would not be in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, the petition of Aviation Fabricators, Inc. for an exemption from 14 CFR § 23.815 is hereby denied.

Issued in Kansas City, Missouri on December 17, 2010.



William Timberlake  
Acting Manager, Small Airplane Directorate  
Aircraft Certification Service